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5   **UNITED STATES DISTRICT COURT**

6   **DISTRICT OF NEVADA**

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8   FEDERAL TRADE COMMISSION,   )
)
9   Plaintiff,   )   Case No. 2:13-cv-00143-JAD-GWF
)
10   vs.   )   **ORDER**
)
11   IDEAL FINANCIAL SOLUTIONS, INC., *et al.*,)   Motion to Strike Jury Demand (#87)
)
12   Defendants.   )
     ———————————————————————————   )

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14   This matter comes before the Court on Plaintiff FTC's Motion to Strike (#87), filed on

15   September 23, 2013. In a document titled "Amended Answer to First Amended Complaint,"

16   Defendant Steve Sunyich requested "that this Court grant to the Defendant the right to a trial with a

17   jury[.]" *See Doc. #84* at 8. Plaintiff now seeks to strike this request. The Court conducted a

18   hearing on the Motion on October 25, 2013.

19   Under Federal Rule of Civil Procedure 12(f), courts may strike matters in an answer that are

20   immaterial. The purpose of striking immaterial matters in an answer is to "avoid the expenditure of

21   time and money that must arise from litigating spurious issues by dispensing with those issues prior

22   to trial." *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993) (reversed on other

23   grounds). A case brought under Section 13(b) of the FTC Act, like this one,[1] is an equitable action.

24   *FTC v. H.N. Singer, Inc.*, 668 F.2d 1107, 11-13 (9th Cir. 1982). There is no right to a jury trial in

25   an equitable action. *See Tull v. United States*, 481 U.S. 412, 417 (1987).

26   Furthermore, under Local Rule 7-2(d), the failure of an opposing party to file points and

27   authorities in response to any motion shall constitute a consent to the granting of the motion. The

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[1] *See, e.g., First Am. Compl., Doc. #32* at ¶¶ 1, 73.

1 time to oppose the instant Motion has expired, and no opposition has been filed. Accordingly,

2 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Strike (#87) is **granted**.

3 **IT IS FURTHER ORDERED** that Defendant Steven Sunyich's request for jury trial on

4 Page 8, Section A of his "Amended Answer," Docket #84, is **stricken**.

5 DATED this 25th day of October, 2013.

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GEORGE FOLEY, JR.

8 United States Magistrate Judge

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